

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	Crim. No. 04-30055-MAP
)	
)	
KACEY JONES,)	
)	
Defendant.)	

**INITIAL STATUS CONFERENCE REPORT
PURSUANT TO LOCAL RULE 116.5(A)**

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, Paul Hart Smyth, Assistant United States Attorney, and Mark Mastroianni, counsel for Kacey Jones, hereby submit the following status report pursuant to Local Rule 116.5(A) and Magistrate Judge Neiman's order.

1. The parties agree at this time that this case does not require relief from the timing requirements imposed by Local Rule 116.3.

2. The defendant has no further discovery requests at this time.

3. The parties agree that it would be unnecessary to establish a schedule under Fed. R. Crim. P. 12(c) for the filing and disposition of pretrial motions at the present time.

4. The parties agree that the following periods of time are excludable from the Speedy Trial Act:

- a. the period of time from February 18, 2005, the date of the defendant's initial appearance, through February 23, 2005, the date on which the defendant was arraigned, on the grounds that the defendant was unrepresented, thus unavailable during that time period, pursuant to 18 U.S.C. § 3161(h)(3)(A);
- b. the period of time from February 23, 2005, the date of the defendant's arraignment at which time he notified the government that he was filing a notice of non-waiver of the automatic discovery, until April 13, 2005, should be excluded pursuant to Rule 112.2(a)2 (government's automatic discovery and request for reciprocal discovery).

The parties request that the Court issue an order indicating that the time periods described in the above subparagraphs are excludable pursuant to the Local Rules and 18 U.S.C. § 3161.

6. At this time, the parties are uncertain whether this case will be resolved short of trial.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: s/s Paul Hart Smyth
Paul Hart Smyth
Assistant U.S. Attorney

Mark Mastroianni, Esq.
Counsel for Kacey Jones
(Counsel has not yet assented to
this motion)